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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,430	05/10/2001	Philip M. Ginsberg	CF/019	6761
64558 7590 06/21/2007 FISH & NEAVE IP GROUP ROPES & GRAY LLP 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER AKINTOLA, OLABODE	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/853,430

Applicant(s)

GINSBERG ET AL.

Examiner

Olabode Akintola

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-13, 17-39 and 41-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-13, 17-39 and 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/18/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-13, 17-39 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al (USPN 5136501) in view of Togher et al (USPN 6014627).

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Re claims 4, 17, 38-39 and 41-46: Silverman teaches a method comprising: causing to be presented to at least a first trader and a second trader an interface comprising a plurality of options on how to process pending trades that exceed warning limits, the plurality of options including: rejecting the pending trades, and executing in part the pending trades; receiving from each of the first trader and the second trader a selection of one of the plurality of options; determining whether execution of a pending trade between the first trader and the second trader would exceed a warning limit; executing the pending trade if execution of the pending trade would not exceed the warning limit; and if execution of the pending trade would exceed the warning limit, processing the pending trade based on the selection of the first trader and the selection of the second trader, in which processing the pending trade results in one of the plurality of options (see at least col. 3, lines 18-38; col. 19, lines 3-8; col. 20, lines 26-28).

Silverman does not explicitly teach executing in full the pending trades as part of the options on how to process pending trades that exceeds warning limit. Togher, in the same field of art, teaches the option of either executing in full the entire transaction, or rejecting the entire transaction; receiving from each of the first trader and the second trader a selection of one of the plurality of options (col. 3, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Silverman an option to execute in full the pending trades as taught by Togher. One would have been motivated to do so in order to provide the traders with this additional option of completing the transaction regardless of the limit, as an alternative to blocking all the deals above the limit.

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Re claims 47 and 48: Silverman and Togher do not explicitly teach the use of prompt for executing trades. Official notice is hereby taken that the use of prompt is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Silverman to include this feature. One would have been motivated to do in order verify the user's desired option.

Silverman in view of Togher hereinafter referred to as "*Modified Silverman*"

Re claims 5 and 18: Modified Silverman teaches in which processing the pending trade comprises rejecting the pending trade when at least one of:

the selection of the first trader comprises the option of rejecting the pending trades and the selection of the second trader comprises the option of rejecting the pending trades (col. 18, lines 33-35).

Re claims 6, 19, 27 and 28: Modified Silverman teaches in which processing the pending trade comprises executing in part the pending trade when the selection of the first trader and the selection of the second trader each comprises the option of executing in part the pending trades (col. 13, lines 16-24; fig. 18; col. 18, line 67 thru col. 19, line 7).

Re claims 7 and 20: Modified Silverman teaches in which processing the pending trade comprises executing in part the pending trade when:

the selection of the first trader comprises the option of executing in part the pending trades, and

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the selection of the second trader comprises the option of executing in full the pending trades
(col. 13, lines 16-24; fig. 18; col. 18, line 67 thru col. 19, line 7; col. 3, lines 18-38)

Re claims 8 and 21: See claims 4 and 17 analyses, supra.

Re claims 9 and 22: See claims 6 and 47-48 analyses, supra.

Re claims 10, 23, 33 and 34: See claims 7 and 47-48 analyses, supra.

Re claims 11, 24, 35, 36 and 37: See claims 8 and 47-48 analyses, supra.

Re claims 12 and 25: See claims 4, 17 and 47-48 analyses, supra.

Re claims 13 and 26: See claims 4, 17 and 47-48 analyses, supra.

Re claim 29: See claims 7 and 47-48 analyses, supra.

Re claims 30-31: See claims 6 and 47-48 analyses, supra.

Re claim 32: See claims 4 and 47-48 analyses, supra.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER